

Bill No. SCR 2396

Barcode 280740

595-2013A-07

Proposed Committee Substitute by the Committee on Rules

1 Senate Concurrent Resolution

2 A concurrent resolution adopting the Joint
3 Rules of the Florida Legislature and amending
4 Joint Rule One, relating to lobbyist
5 registration and compensation reporting, and
6 Joint Rule Seven, relating to the organization
7 and duties of the Legislative Budget
8 Commission.
9

10 WHEREAS, chapter 2005-359, Laws of Florida, established
11 lobbyist compensation reporting, and further provided for
12 electronic filing of compensation reports and other
13 information effective April 1, 2007, and

14 WHEREAS, in the 2006 general election, the electors of
15 Florida amended Section 19 of Article III of the Constitution
16 of Florida to create within the Legislature the Joint
17 Legislative Budget Commission, and

18 WHEREAS, Section 19, as so amended, provides that the
19 Joint Legislative Budget Commission shall be governed by the
20 Joint Rules of the Senate and the House of Representatives,
21 NOW, THEREFORE,

22

23 Be It Resolved by the Senate of the State of Florida, the
24 House of Representatives Concurring:

25

26 That the Joint Rules of the Florida Legislature are
27 revised and readopted to read as follows:

28

29 JOINT RULES

30 JOINT RULE ONE

31 LOBBYIST REGISTRATION AND COMPENSATION REPORTING

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1 1.1--Those Required to Register; Exemptions; Committee
2 Appearance Records

3 (1) All lobbyists before the Florida Legislature must
4 register with the Lobbyist Registration Office in the Division
5 of Legislative Information Services of the Office of
6 Legislative Services. Registration is required for each
7 principal represented.

8 (2) As used in Joint Rule One, unless the context
9 otherwise requires:

10 (a) "Compensation" means payment, distribution, loan,
11 advance, reimbursement, deposit, salary, fee, retainer, or
12 anything of value provided or owed to a lobbying firm,
13 directly or indirectly, by a principal for any lobbying
14 activity.

15 (b) "Division" means the Division of Legislative
16 Information Services within the Office of Legislative
17 Services.

18 (c) "Legislative action" means introduction,
19 sponsorship, testimony, debate, voting, or any other official
20 action on any measure, resolution, amendment, nomination,
21 appointment, or report of, or any matter that may be the
22 subject of action by, either house of the Legislature or any
23 committee thereof.

24 (d) "Lobby" or "lobbying" means influencing or
25 attempting to influence legislative action or nonaction
26 through oral or written communication or an attempt to obtain
27 the goodwill of a member or employee of the Legislature.

28 (e) "Lobbying firm" means any business entity,
29 including an individual contract lobbyist, that receives or
30 becomes entitled to receive any compensation for the purpose
31 of lobbying, and where any partner, owner, officer, or

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1 employee of the business entity is a lobbyist. "Lobbying firm"
2 does not include an entity that has employees who are
3 lobbyists if the entity does not derive compensation from
4 principals for lobbying, or such compensation is received
5 exclusively from a subsidiary or affiliate corporation of the
6 employer. As used in this paragraph, an affiliate corporation
7 is a corporation that directly or indirectly shares the same
8 ultimate parent corporation as the employer and does not
9 receive compensation for lobbying from any unaffiliated
10 entity.

11 (f) "Lobbyist" means a person who is employed and
12 receives payment, or who contracts for economic consideration,
13 for the purpose of lobbying, or a person who is principally
14 employed for governmental affairs by another person or
15 governmental entity to lobby on behalf of that other person or
16 governmental entity. An employee of the principal is not a
17 "lobbyist" unless the employee is principally employed for
18 governmental affairs. "Principally employed for governmental
19 affairs" means that one of the principal or most significant
20 responsibilities of the employee to the employer is overseeing
21 the employer's various relationships with government or
22 representing the employer in its contacts with government. Any
23 person employed by the Governor, the Executive Office of the
24 Governor, or any executive or judicial department of the state
25 or any community college of the state who seeks to encourage
26 the passage, defeat, or modification of any legislation by
27 personal appearance or attendance before the House of
28 Representatives or the Senate, or any member or committee
29 thereof, is a lobbyist.

30 (g) "Payment" or "salary" means wages or any other
31 consideration provided in exchange for services, but does not

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1 include reimbursement for expenses.

2 (h) "Principal" means the person, firm, corporation,
3 or other entity that has employed or retained a lobbyist. When
4 an association has employed or retained a lobbyist, the
5 association is the principal; the individual members of the
6 association are not principals merely because of their
7 membership in the association.

8 (i) "Unusual circumstances," with respect to any
9 failure of a person to satisfy a filing requirement, means
10 uncommon, rare, or sudden events over which the person has no
11 control and which directly result in the failure to satisfy
12 the filing requirement.

13 (3) For purposes of this rule, the terms "lobby" and
14 "lobbying" do not include any of the following:

15 (a) Response to an inquiry for information made by any
16 member, committee, or staff of the Legislature.

17 (b) An appearance in response to a legislative
18 subpoena.

19 (c) Advice or services that arise out of a contractual
20 obligation with the Legislature, a member, a committee, any
21 staff, or any legislative entity to render the advice or
22 services where such obligation is fulfilled through the use of
23 public funds.

24 (d) Representation of a client before the House of
25 Representatives or the Senate, or any member or committee
26 thereof, when the client is subject to disciplinary action by
27 the House of Representatives or the Senate, or any member or
28 committee thereof.

29 (4) For purposes of registration and reporting, the
30 term "lobbyist" does not include any of the following:

31 (a) A member of the Legislature.

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1 (b) A person who is employed by the Legislature.

2 (c) A judge who is acting in that judge's official
3 capacity.

4 (d) A person who is a state officer holding elective
5 office or an officer of a political subdivision of the state
6 holding elective office and who is acting in that officer's
7 official capacity.

8 (e) A person who appears as a witness or for the
9 purpose of providing information at the written request of the
10 chair of a committee, subcommittee, or legislative delegation.

11 (f) A person employed by any executive or judicial
12 department of the state or any community college of the state
13 who makes a personal appearance or attendance before the House
14 of Representatives or the Senate, or any member or committee
15 thereof, while that person is on approved leave or outside
16 normal working hours, and who does not otherwise meet the
17 definition of lobbyist.

18 (5) When a person, whether or not the person is
19 registered as a lobbyist, appears before a committee of the
20 Legislature, that person must submit a Committee Appearance
21 Record as required by the respective house.

22 1.2--Method of Registration

23 (1) Each person who is required to register must
24 register on forms furnished by the Lobbyist Registration
25 Office, on which that person must state, under oath, that
26 person's full legal name, business address, and telephone
27 number, the name and business address of each principal that
28 person represents, and the extent of any direct business
29 association or partnership that person has with any member of
30 the Legislature. In addition, if the lobbyist is a partner,
31 owner, officer, or employee of a lobbying firm, the lobbyist

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1 must state the name, address, ~~Federal Employer's~~
2 ~~Identification Number (FEIN), contact name,~~ and telephone
3 number of each lobbying firm to which the lobbyist belongs.
4 The Lobbyist Registration Office or its designee is authorized
5 to acknowledge the oath of any person who registers in person.
6 Any changes to the information provided in the registration
7 form must be reported to the Lobbyist Registration Office in
8 writing within 15 days on forms furnished by the Lobbyist
9 Registration Office.

10 (2) Any person required to register must do so with
11 respect to each principal prior to commencement of lobbying on
12 behalf of that principal. At the time of registration, the
13 registrant shall provide a statement on a form provided by the
14 Lobbyist Registration Office, signed by the principal or
15 principal's representative, that the registrant is authorized
16 to represent the principal. On the authorization statement the
17 principal or principal's representative shall also identify
18 and designate the principal's main business pursuant to a
19 classification system approved by the Office of Legislative
20 Services that shall be the North American Industry
21 Classification System (NAICS) six-digit numerical code that
22 most accurately describes the principal's main business.

23 (3) Any person required to register must renew the
24 registration annually for each calendar year.

25 (4) A lobbyist shall promptly send a notice to the
26 Lobbyist Registration Office, on forms furnished by the
27 Lobbyist Registration Office, canceling the registration for a
28 principal upon termination of the lobbyist's representation of
29 that principal. A notice of cancellation takes effect the day
30 it is received by the Lobbyist Registration Office.

31 Notwithstanding this requirement, the Lobbyist Registration

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1 Office may remove the name of a lobbyist from the list of
2 registered lobbyists if the principal notifies the Lobbyist
3 Registration Office that the lobbyist is no longer authorized
4 to represent that principal.

5 ~~(5) The Lobbyist Registration Office shall publish on~~
6 ~~the first Monday of each regular session and weekly thereafter~~
7 ~~through the end of that session a compilation of the names of~~
8 ~~persons who have registered and the information contained in~~
9 ~~their registrations.~~

10 (5)~~(6)~~ The Lobbyist Registration Office shall retain
11 all original registration documents submitted under this rule.

12 (6)~~(7)~~ A person who is required to register under this
13 rule, or who chooses to register, shall be considered a
14 lobbyist of the Legislature for the purposes of sections
15 11.045, 112.3148, and 112.3149, Florida Statutes.

16 1.3--Registration Costs; Exemptions

17 (1) To cover the costs incurred in administering this
18 joint policy, each person who registers under Joint Senate and
19 House Rule 1.1 must pay an annual registration fee to the
20 Lobbyist Registration Office. The annual period runs from
21 January 1 to December 31. These fees must be paid at the time
22 of registration.

23 (2) The following persons are exempt from paying the
24 fee, provided they are designated in writing by the agency
25 head or person designated in this subsection:

26 (a) Two employees of each department of the executive
27 branch created under chapter 20, Florida Statutes.

28 (b) Two employees of the Fish and Wildlife
29 Conservation Commission.

30 (c) Two employees of the Executive Office of the
31 Governor.

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1 (d) Two employees of the Commission on Ethics.

2 (e) Two employees of the Florida Public Service
3 Commission.

4 (f) Two employees of the judicial branch designated in
5 writing by the Chief Justice of the Florida Supreme Court.

6 (3) The annual fee is up to \$50 per each house for a
7 person to register to represent one principal and up to an
8 additional \$10 per house for each additional principal that
9 the person registers to represent. The amount of each fee
10 shall be established annually by the President of the Senate
11 and the Speaker of the House of Representatives. The fees set
12 shall be adequate to ensure operation of the lobbyist
13 registration and reporting operations of the Lobbyist
14 Registration Office. The fees collected by the Lobbyist
15 Registration Office under this joint policy shall be deposited
16 in the State Treasury and credited to the Legislative Lobbyist
17 Registration Trust Fund specifically to cover the costs
18 incurred in administering this joint policy.

19 1.4--Reporting of Lobbying Firm Compensation

20 (1)(a) Each lobbying firm shall file a compensation
21 report with the division for each calendar quarter during any
22 portion of which one or more of the firm's lobbyists were
23 registered to represent a principal. The report shall include
24 the:

25 1. Full name, business address, and telephone number
26 of the lobbying firm;

27 2. Registration name of each of the firm's lobbyists;
28 and

29 3. Total compensation provided or owed to the lobbying
30 firm from all principals for the reporting period, reported in
31 one of the following categories: \$0; \$1 to \$49,999; \$50,000

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1 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999;
2 \$500,000 to \$999,999; \$1 million or more.

3 (b) For each principal represented by one or more of
4 the firm's lobbyists, the lobbying firm's compensation report
5 shall also include the:

6 1. Full name, business address, and telephone number
7 of the principal; and

8 2. Total compensation provided or owed to the lobbying
9 firm for the reporting period, reported in one of the
10 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
11 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
12 \$50,000 or more. If the category "\$50,000 or more" is
13 selected, the specific dollar amount of compensation must be
14 reported, rounded up or down to the nearest \$1,000.

15 (c) If the lobbying firm subcontracts work from
16 another lobbying firm and not from the original principal:

17 1. The lobbying firm providing the work to be
18 subcontracted shall be treated as the reporting lobbying
19 firm's principal for reporting purposes under this paragraph;
20 and

21 2. The reporting lobbying firm shall, for each
22 lobbying firm identified as the reporting lobbying firm's
23 principal under paragraph (b), identify the name and address
24 of the principal originating the lobbying work.

25 (d) The senior partner, officer, or owner of the
26 lobbying firm shall certify to the veracity and completeness
27 of the information submitted pursuant to this Rule 1.4, and
28 certify that no compensation has been omitted from this report
29 by deeming such compensation as "consulting services," "media
30 services," "professional services," or anything other than
31 compensation, and certify that no officer or employee of the

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1 firm has made an expenditure in violation of section 11.045,
2 Florida Statutes, as amended by chapter 2005-359, Laws of
3 Florida.

4 (2) For each principal represented by more than one
5 lobbying firm, the division shall aggregate the
6 reporting-period and calendar-year compensation reported as
7 provided or owed by the principal. Compensation reported
8 within a category shall be aggregated as follows: ~~the~~
9 ~~arithmetic mean of the category.~~

10

11 <u>Category (dollars)</u>	<u>Dollar amount to use aggregating</u>
12 <u>0</u>	<u>\$ 0</u>
13 <u>1-9,999</u>	<u>5,000</u>
14 <u>10,000-19,999</u>	<u>15,000</u>
15 <u>20,000-29,999</u>	<u>25,000</u>
16 <u>30,000-39,999</u>	<u>35,000</u>
17 <u>40,000-49,999</u>	<u>45,000</u>
18 <u>\$50,000 or more</u>	<u>Actual amount reported</u>

19

20 (3) The reporting statements shall be filed no later
21 than 45 days after the end of each reporting period. The four
22 reporting periods are from January 1 through March 31, April 1
23 through June 30, July 1 through September 30, and October 1
24 through December 31, respectively. The statements shall be
25 rendered in the identical form provided by the respective
26 houses and shall be open to public inspection. Effective April
27 1, 2007, reporting statements shall ~~may~~ be filed by electronic
28 means through the electronic filing system developed by the
29 division, conforming to subsection (4), ~~when feasible.~~

30 (4) The electronic filing system for compensation
31 reporting shall include the following:

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1 (a) As used in this rule, the term "electronic filing
 2 system" means an Internet system for recording and reporting
 3 lobbying compensation and other required information by
 4 reporting period.

5 (b) A report filed pursuant to this Rule 1.4 must be
 6 completed and filed through the electronic filing system not
 7 later than 11:59 p.m. of the day designated in subsection (3).
 8 A report not filed by 11:59 p.m. of the day designated is a
 9 late-filed report and is subject to the penalties under Rule
 10 1.5(1).

11 (c) Each person given secure sign-on credentials to
 12 file via the electronic filing system is responsible for
 13 protecting the credentials from disclosure and is responsible
 14 for all filings made by use of such credentials, unless and
 15 until the division is notified that the person's credentials
 16 have been compromised. Each report filed by electronic means
 17 pursuant to this section shall be deemed certified in
 18 accordance with paragraph (1)(d) by the person given the
 19 secure sign-on credentials and, as such, subjects the person
 20 and the lobbying firm to the provisions of s. 11.045(8),
 21 Florida Statutes, as well as any discipline provided under the
 22 rules of the Senate or House of Representatives.

23 (d) The electronic filing system shall:

24 1. Be based on access by means of the Internet.

25 2. Be accessible by anyone with Internet access using
 26 standard web-browsing software.

27 3. Provide for direct entry of compensation-report
 28 information as well as upload of such information from
 29 software authorized by the division.

30 4. Provide a method that prevents unauthorized access
 31 to electronic filing system functions.

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1 5. Provide for the issuance of an electronic receipt
2 to the person submitting the report indicating and verifying
3 the date and time that the report was filed.

4 (5) The division shall provide reasonable public
5 notice of the electronic filing procedures and of any
6 significant changes in such procedures. In the event that the
7 President of the Senate and the Speaker of the House of
8 Representatives jointly declare the electronic system to be
9 not operable, the reports shall be filed in the manner
10 required prior to April 1, 2007, unless the President of the
11 Senate and the Speaker of the House of Representatives direct
12 use of an alternate means of reporting. The division shall
13 develop and maintain such alternative means as may be
14 practicable. Public notice of changes in filing procedures and
15 any declaration or direction of the President of the Senate
16 and the Speaker of the House of Representatives may be
17 provided by publication for a continuous period of reasonable
18 time on one or more Internet websites maintained by the Senate
19 and the House of Representatives.

20 (6)(4) Prior to April 1, 2007, reports must ~~shall~~ be
21 filed no later than 5 p.m. of the report due date. However,
22 any report that is postmarked by the United States Postal
23 Service no later than ~~midnight of~~ the due date shall be deemed
24 to have been filed in a timely manner, and a certificate of
25 mailing obtained from and dated by the United States Postal
26 Service at the time of the mailing, or a receipt from an
27 established courier company that bears a date on or before the
28 due date, shall be proof of mailing in a timely manner.

29 1.5--Failure to File Timely Compensation Report; Notice
30 and Assessment of Fines; Appeals

31 (1) Upon determining that the report is late, the

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person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2)(a) Effective April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine based on when the report is actually received by the division or when the electronic receipt issued by the electronic filing system is dated, whichever is earlier.

(b) Prior to April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

1.(a) When a report is actually received by the division.

2.(b) When the report is postmarked.

3.(c) When the certificate of mailing is dated.

4.(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbying firm the first time the report for which the lobbying firm is responsible is not timely filed. However, to receive the one-time fine waiver, the report for which the lobbying firm is responsible must be filed within 30 days after notice that

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1 the report has not been timely filed is transmitted by the
2 person designated to review the timeliness of reports. A fine
3 shall be assessed for any subsequent late-filed reports.

4 (5) Any lobbying firm may appeal or dispute a fine,
5 based upon unusual circumstances surrounding the failure to
6 file on the designated due date, and may request and shall be
7 entitled to a hearing before the General Counsel of the Office
8 of Legislative Services, who shall recommend to the President
9 of the Senate and the Speaker of the House of Representatives,
10 or their respective designees, that the fine be waived in
11 whole or in part for good cause shown. The President of the
12 Senate and the Speaker of the House of Representatives, or
13 their respective designees, may by joint agreement concur in
14 the recommendation and waive the fine in whole or in part. Any
15 such request shall be made within 30 days after the notice of
16 payment due is transmitted by the person designated to review
17 the timeliness of reports. In such case, the lobbying firm
18 shall, within the 30-day period, notify the person designated
19 to review the timeliness of reports in writing of his or her
20 intention to request a hearing.

21 (6) A lobbying firm may request that the filing of a
22 report be waived upon good cause shown, based on unusual
23 circumstances. The request must be filed with the General
24 Counsel of the Office of Legislative Services, who shall make
25 a recommendation concerning the waiver request to the
26 President of the Senate and the Speaker of the House of
27 Representatives. The President of the Senate and the Speaker
28 of the House of Representatives may, by joint agreement, grant
29 or deny the request.

30 (7)(a) All lobbyist registrations for lobbyists who
31 are partners, owners, officers, or employees of a lobbying

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1 firm that fails to timely pay a fine are automatically
2 suspended until the fine is paid or waived, and the division
3 shall promptly notify all affected principals and the
4 President of the Senate and the Speaker of the House of
5 Representatives of any suspension or reinstatement. All
6 lobbyists who are partners, owners, officers, or employees of
7 a lobbying firm are jointly and severally liable for any
8 outstanding fine owed by a lobbying firm.

9 (b) No such lobbyist may be reinstated in any capacity
10 representing any principal until the fine is paid or until the
11 fine is waived as to that lobbyist. A suspended lobbyist may
12 request a waiver upon good cause shown, based on unusual
13 circumstances. The request must be filed with the General
14 Counsel of the Office of Legislative Services who shall, as
15 soon as practicable, make a recommendation concerning the
16 waiver request to the President of the Senate and the Speaker
17 of the House of Representatives. The President of the Senate
18 and the Speaker of the House of Representatives may, by joint
19 agreement, grant or deny the request.

20 (8) The person designated to review the timeliness of
21 reports shall notify the director of the division of the
22 failure of a lobbying firm to file a report after notice or of
23 the failure of a lobbying firm to pay the fine imposed.

24 1.6--Open Records; Internet Publication of
25 Registrations and Compensation Reports

26 (1) All of the lobbyist registration forms and
27 compensation reports received by the Lobbyist Registration
28 Office shall be available for public inspection and for
29 duplication at reasonable cost.

30 (2) The division shall make information filed pursuant
31 to Rules 1.2 and 1.4 reasonably available on the Internet in

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an easily understandable and accessible format. The Internet website shall include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the classification system designated and identified with respect to principals pursuant to Rule 1.2.

1.7--Records Retention and Inspection and Complaint Procedure

(1) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation reports.

(2) Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this Joint Rule One, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house.

(3) The right of inspection may be enforced by

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1 appropriate writ issued by any court of competent
2 jurisdiction.

3 1.8--Questions Regarding Interpretation of this Joint
4 Rule One

5 (1) A person may request in writing an informal
6 opinion from the General Counsel of the Office of Legislative
7 Services as to the application of this Joint Rule One to a
8 specific situation. The General Counsel shall issue the
9 opinion within 10 days after receiving the request. The
10 informal opinion may be relied upon by the person who
11 requested the informal opinion. A copy of each informal
12 opinion that is issued shall be provided to the presiding
13 officer of each house. A committee of either house designated
14 pursuant to section 11.045(5), Florida Statutes, may revise
15 any informal opinion rendered by the General Counsel through
16 an advisory opinion to the person who requested the informal
17 opinion. The advisory opinion shall supersede the informal
18 opinion as of the date the advisory opinion is issued.

19 (2) Persons in doubt about the applicability or
20 interpretation of this Joint Rule One may submit in writing
21 the facts for an advisory opinion to the committee of either
22 house designated pursuant to section 11.045(5), Florida
23 Statutes, and may appear in person before the committee in
24 accordance with section 11.045(5), Florida Statutes.

25 1.9--Effect of Readoption and Revision

26 All obligations existing under Joint Rule One as of the
27 last day of the previous legislative biennium are hereby
28 ratified, preserved, and reimposed pursuant to the terms
29 thereof as of that date. The provisions of Joint Rule One are
30 imposed retroactively to the first day of the present
31 legislative biennium except that provisions new to this

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1 revision are effective on the date of adoption or as otherwise
2 expressly provided herein.

3 ~~1.9 Effect of Former Joint Rule One~~

4 ~~Every fine and penalty finally due and owing on or~~
5 ~~before December 31, 2005, under the Rules of the Senate or the~~
6 ~~House of Representatives or under former Joint Rules 1.1-1.9,~~
7 ~~with no appeal pending under such rules, is hereby ratified~~
8 ~~and preserved and shall be collected as previously finally~~
9 ~~determined. Every other obligation under former Joint Rule~~
10 ~~One, rescinded upon adoption of this Joint Rule One, is hereby~~
11 ~~waived and abolished. The obligations under Joint Rules 1.1,~~
12 ~~1.2, and 1.3 are to be enforced retroactively to January 1,~~
13 ~~2006, provided that substantial compliance with the provisions~~
14 ~~of former Joint Rules 1.1, 1.2, and 1.3 on or before the~~
15 ~~effective date of this Joint Rule One shall be deemed to be in~~
16 ~~compliance with any retroactive requirements of this Joint~~
17 ~~Rule One.~~

18 JOINT RULE TWO

19 GENERAL APPROPRIATIONS BILL

20 2.1--General Appropriations Bill; Review Period

21 (1) A general appropriations bill shall be subject to
22 a 72-hour public review period before a vote is taken on final
23 passage of the bill in the form that will be presented to the
24 Governor.

25 (2) If a bill is returned to the house in which the
26 bill originated and the originating house does not concur in
27 all the amendments or adds additional amendments, no further
28 action shall be taken on the bill by the nonoriginating house,
29 and a conference committee shall be established by operation
30 of this rule to consider the bill.

31 (3) If a bill is referred to a conference committee by

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1 operation of this rule, a 72-hour public review period shall
2 be provided prior to a vote being taken on the conference
3 committee report by either house.

4 (4) A copy of the bill, a copy of the bill with
5 amendments adopted by the nonoriginating house, or the
6 conference committee report shall be furnished to each member
7 of the Legislature, the Governor, the Chief Justice of the
8 Supreme Court, and each member of the Cabinet. Copies for the
9 Governor, Chief Justice and members of the Cabinet shall be
10 furnished to the official's office in the Capitol or Supreme
11 Court Building. A member's copy shall be furnished to the
12 member's desk in the appropriate chamber. The Secretary of the
13 Senate shall be responsible for furnishing copies under this
14 rule for Senate bills, House bills as amended by the Senate,
15 and conference committee reports on Senate bills. The Clerk of
16 the House shall be responsible for furnishing copies under
17 this rule for House bills, Senate bills as amended by the
18 House, and conference committee reports on House bills.

19 (5) The 72-hour public review period shall begin to
20 run upon completion of the furnishing of copies required to be
21 provided herein. The Speaker of the House and the President of
22 the Senate, as appropriate, shall be informed of the
23 completion time and such time shall be announced on the floor
24 prior to vote on final passage in each house and shall be
25 entered in the journal of each house. Saturdays, Sundays, and
26 holidays shall be included in the computation under this rule.

27 2.2--General Appropriations Bill; Definition

28 For the purposes of Joint Rule 2, the term "general
29 appropriations bill" means a bill which provides for the
30 salaries of public officers and other current expenses of the
31 state and contains no subject other than appropriations. A

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1 bill which contains appropriations which are incidental and
2 necessary solely to implement a substantive law is not
3 included within this term.

JOINT RULE THREE

LEGISLATIVE SUPPORT SERVICES

3.1--Organizational Structure

7 The Legislature shall be supported by the Office of
8 Legislative Services, the Office of Legislative Information
9 Technology Services, and the Office of Economic and
10 Demographic Research. These offices shall provide support
11 services that are determined by the President of the Senate
12 and the Speaker of the House of Representatives to be
13 necessary and that can be effectively provided jointly to both
14 houses and other units of the Legislature. Each office shall
15 be directed by a coordinator selected by the President of the
16 Senate and the Speaker of the House of Representatives.

17 (1) The Office of Legislative Services shall provide
18 legislative support services other than those prescribed in
19 subsections (2) and (3). The Division of Statutory Revision
20 and the Division of Legislative Information shall be two of
21 the divisions within the Office of Legislative Services.

22 (2) The Office of Legislative Information Technology
23 Services shall provide support services to assist the
24 Legislature in achieving its objectives through the
25 application of cost-effective information technology.

26 (3) The Office of Economic and Demographic Research
27 shall provide research support services, principally regarding
28 forecasting economic and social trends that affect
29 policymaking, revenue, and appropriations.

3.2--Policies

31 The President of the Senate and the Speaker of the

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1 House of Representatives shall jointly adopt policies they
2 consider advisable to carry out the functions of the
3 Legislature.

JOINT RULE FOUR

JOINT LEGISLATIVE AUDITING COMMITTEE

4.1--Responsibilities

7 (1) On or before December 31 of the year following
8 each decennial census, the Legislative Auditing Committee
9 shall review the performance of the Auditor General and shall
10 submit a report to the Legislature which recommends whether
11 the Auditor General should continue to serve in office.

12 (2) The expenses of the members of the committee shall
13 be approved by the chair of the committee and paid from the
14 appropriation for legislative expense.

15 (3) The committee shall submit to the President of the
16 Senate and the Speaker of the House of Representatives, for
17 approval, an estimate of the financial needs of the committee,
18 the Auditor General, and the Office of Program Policy Analysis
19 and Government Accountability, and the Public Counsel.

20 (4) The committee and the units it oversees, including
21 the Auditor General, the Office of Program Policy Analysis and
22 Government Accountability, and the Public Counsel, shall
23 submit their budget requests and operating budgets to the
24 President of the Senate and the Speaker of the House of
25 Representatives for prior written approval by the presiding
26 officers acting together.

27 (5) The committee may receive requests for audits and
28 reviews from legislators. Staff of the committee shall review
29 each request and make a recommendation to the committee
30 concerning its disposition. The manner of disposition
31 recommended may be:

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(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

JOINT RULE FIVE

AUDITOR GENERAL

5.1--Rulemaking authority

The Auditor General shall make and enforce reasonable

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1 rules and regulations necessary to facilitate audits that he
2 or she is authorized to perform.

3 5.2--Budget and accounting

4 (1) The Auditor General shall prepare and submit
5 annually to the President of the Senate and the Speaker of the
6 House of Representatives for their joint approval a proposed
7 budget for the ensuing fiscal year.

8 (2) Within the limitations of the approved operating
9 budget, the salaries and expenses of the Auditor General and
10 the staff of the Auditor General shall be paid from the
11 appropriation for legislative expense or any other moneys
12 appropriated by the Legislature for that purpose. The Auditor
13 General shall approve all bills for salaries and expenses for
14 his or her staff before the same shall be paid.

15 5.3--Audit report distribution

16 (1) A copy of each audit report shall be submitted to
17 the Governor, to the Comptroller, and to the officer or person
18 in charge of the state agency or political subdivision
19 audited. One copy shall be filed as a permanent public record
20 in the office of the Auditor General. In the case of county
21 reports, one copy of the report of each county office, school
22 district, or other district audited shall be submitted to the
23 board of county commissioners of the county in which the audit
24 was made and shall be filed in the office of the clerk of the
25 circuit court of that county as a public record. When an audit
26 is made of the records of the district school board, a copy of
27 the audit report shall also be filed with the district school
28 board, and thereupon such report shall become a part of the
29 public records of such board.

30 (2) A copy of each audit report shall be made
31 available to each member of the Legislative Auditing

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1 Committee.

2 (3) The Auditor General shall transmit a copy of each
3 audit report to the appropriate substantive and fiscal
4 committees of the Senate and House of Representatives.

5 (4) Other copies may be furnished to other persons
6 who, as in the opinion of the Auditor General, are directly
7 interested in the audit or who have a duty to perform in
8 connection therewith.

9 (5) The Auditor General shall transmit to the
10 President of the Senate and the Speaker of the House of
11 Representatives, by December 1 of each year, a list of
12 statutory and fiscal changes recommended by audit reports. The
13 recommendations shall be presented in two categories: one
14 addressing substantive law and policy issues and the other
15 addressing budget issues. The Auditor General may also
16 transmit recommendations at other times of the year when the
17 information would be timely and useful for the Legislature.

18 JOINT RULE SIX

19 OFFICE OF PROGRAM POLICY

20 ANALYSIS AND GOVERNMENT ACCOUNTABILITY

21 6.1--Responsibilities of the director

22 (1) The director may adopt and enforce reasonable
23 rules necessary to facilitate the studies, reviews, and
24 reports that the office is authorized to perform.

25 (2) The director shall prepare and submit annually to
26 the President of the Senate and the Speaker of the House of
27 Representatives for their joint approval the annual projected
28 work plan of the office in conjunction with a proposed
29 operating budget for the ensuing fiscal year.

30 (3) Within the monetary limitations of the approved
31 operating budget, the salaries and expenses of the director

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1 and the staff of the Office of Program Policy Analysis and
2 Government Accountability shall be paid from the appropriation
3 for legislative expense or any other moneys appropriated by
4 the Legislature for that purpose. The director shall approve
5 all bills for salaries and expenses before the same shall be
6 paid.

7 (4) Within the monetary limitations of the approved
8 operating budget, the director shall make all spending
9 decisions, including entering into contracts on behalf of the
10 Office of Program Policy Analysis and Government
11 Accountability.

12 (5) The director shall transmit to the President of
13 the Senate and the Speaker of the House of Representatives, by
14 December 1 of each year, a list of statutory and fiscal
15 changes recommended by office reports. The recommendations
16 shall be presented in two categories: one addressing
17 substantive law and policy issues and the other addressing
18 budget issues. The director may also transmit recommendations
19 at other times of the year when the information would be
20 timely and useful for the Legislature.

21 JOINT RULE SEVEN

22 JOINT LEGISLATIVE BUDGET COMMISSION

23 7.1--General Responsibilities

24 (1) The commission, as provided in chapter 216,
25 Florida Statutes, shall receive and review notices of budget
26 and personnel actions and proposed actions taken or to be
27 taken by the executive and judicial branches and shall approve
28 or disapprove such actions.

29 (2) Through the chairman, the commission shall advise
30 the Governor and the Chief Justice of actions or proposed
31 actions that exceed delegated authority or that are contrary

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1 to legislative policy and intent.

2 (3) To the extent possible, the commission shall
3 inform members of the Legislature of budget amendments
4 requested by the executive or judicial branches.

5 (4) The commission shall consult with the Chief
6 Financial Officer ~~Comptroller~~ and the Executive Office of the
7 Governor on matters as required by chapter 216, Florida
8 Statutes.

9 (5) The President of the Senate and the Speaker of the
10 House of Representatives may jointly assign other
11 responsibilities to the commission in addition to those
12 assigned by law.

13 (6) The commission shall develop policies and
14 procedures necessary to carry out its assigned
15 responsibilities.

16 (7) The commission, with the approval of the President
17 of the Senate and the Speaker of the House of Representatives,
18 may appoint subcommittees as necessary to facilitate its work.

19 ~~7.2--Zero-based Budgeting~~

20 ~~(1) The commission shall develop a schedule and apply~~
21 ~~zero-based budgeting principles in reviewing the budget of~~
22 ~~each state agency at least once every 8 years.~~

23 ~~(2) By July 1 of each year, the commission shall issue~~
24 ~~instructions to the agencies whose budgets are to be reviewed~~
25 ~~prior to the next legislative session.~~

26 ~~(3) The commission shall provide these reviews to the~~
27 ~~President of the Senate and the Speaker of the House of~~
28 ~~Representatives by December 31 of the year in which they are~~
29 ~~completed.~~

30 ~~(4) By February 1, 2001, the commission shall provide~~
31 ~~to the President of the Senate and the Speaker of the House of~~

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~~Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.~~

7.2 ~~7.3~~--Organizational Structure

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. ~~The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.~~

~~(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.~~

~~(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.~~

~~(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.~~

~~(5) Action by the commission shall require a majority vote of the members present of each house.~~

(2)~~(6)~~ The commission shall be jointly staffed by the appropriations committees of both houses. ~~During even-numbered years,~~ The Senate shall provide the lead staff when the chairperson is a Senator. ~~During odd-numbered years,~~ The House of Representatives shall provide the lead staff when the chairperson is a Representative.

7.3 ~~7.4~~--Notice of Commission Meetings

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Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Chief Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Chief Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

7.4--Effect of Adoption; Intent

This Joint Rule Seven replaces all prior joint rules governing the Joint Legislative Budget Commission and is intended to implement constitutional provisions relating to the Joint Legislative Budget Commission existing as of the date of the rule's adoption.

~~JOINT RULE EIGHT~~

~~CONTINUING EXISTENCE OF JOINT RULES~~

~~8.1--Continuing Existence of Joint Rules~~

~~All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.~~